IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

Writ Petition No.29580 of 1997
DATED 23-4-2007

BETWEEN

R.Purushotham Reddy and 7 others

.. Petitioners

And

Tirumala Tirupati Devasthanam,
represented by its Executive Officer,
Tirupathi.

.. Respondent

THE HONOURABLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.29580 of 1997

ORDER:

The petitioners herein seek a declaration from this Court that the action of the respondent in not regularizing their services in accordance with G.O.Ms.No.390, Revenue (Endowments-III) Department, Dated 6.5.1991 is arbitrary and illegal and in violation of Article 14 of the Constitution of India.

The petitioners joined the Tirumala Tirupathi Devasthanam (TTD) as casual labourers in different spells in early 1980's. Their services were terminated in 1987. Aggrieved thereby, the petitioners filed W.P.No.12839 of 1988 and pursuant to the interim orders of this Court, TTD issued proceedings dated 15.11.1990 reappointing the petitioners herein. The fact that the petitioners have ever since been continued as casual labourers and that they are working as on date and are being paid the minimum scale of pay, is not in dispute. The Government issued G.O.Ms.No.390 dated 6.5.1991 granting permission to the TTD to absorb NMRs/casual labourers engaged during the period 1.4.1984 to 31.3.1988. The grievance of the petitioners is that while several others were regularised in service, the petitioners were not.

In the counter affidavit filed on behalf of the TTD, it is stated that proposal was already submitted to the Government on 9.4.1999 for the absorption of the petitioners and that orders are awaited. TTD would also refer to the fact that the earlier writ petition filed by the petitioners viz., W.P.12839 of 1988 seeking regularization of their services was dismissed by this Court on 14.2.1994. The Government in its counter affidavit while admitting that a proposal had indeed been sent by TTD, would further state that certain clarifications had been sought from the TTD and since the clarification sent by the TTD on 23.10.2005 did not contain full details and the information sought for, the matter was still under examination.

Sri A.Bhaskara Chary, learned counsel for the petitioners would contend that while the proposal submitted by the TTD for absorption of the petitioners is endlessly kept pending by the Government, whatever vacancies remained are sought to be filled up by the TTD by resorting to direct recruitment resulting in no vacancies being available for absorption of the petitioners herein. Learned counsel would contend that unless a direction is issued to the Government to create posts to enable TTD to absorb the services of the petitioners, they would suffer irreparable injury as they have been working in the minimum scale of pay without the benefit of periodical revision in pay scales or increments from 1990.

The power to create or abolish posts is a matter of policy for the Government to decide and not for this Court to dictate. No mandamus can be issued to the Government to create posts to enable TTD to absorb the services of the petitioners herein. The fact however remains that the proposal submitted by the TTD has been kept pending for the past more than 8 eight years. Ends of justice would be met if the 2nd respondent is directed to take a decision on the proposal submitted by the 1st respondent within a period of four months from the date of receipt of a copy of this order. If the proposal submitted by the TTD is accepted, the TTD shall, within two moths thereafter, consider the case of the petitioners for absorption. Needless to state that till an appropriate decision is taken by the Government in this regard, the petitioners, who have been continued in service for the past 17 years shall be permitted to continue in service on the same terms and conditions as are applicable to them.

The writ petition is disposed of accordingly. No costs.

RAMESH RANGANATHAN,J

Dt: 23.4.2007
msv.